

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22865 of 2016

Arising Out of PS.Case No. -2644 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Muslim Mian @ Muslim Ansari son of Algu Mian
 2. Masoom Ansari, son of Mustaf Ansari

.... Petitioner/s

Versus

1. The State of Bihar
2. Chand Tara Khatun

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad
For the Opposite Party/s : Mr. M.Haque (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-05-2016 Petitioners are apprehending their arrest in a complaint case filed with accusation under Sections 323, 341, 379, 354 of the Indian Penal Code wherein processes were directed to be issued after cognizance being taken.

The prosecution case is that on 31.08.2015 at 9:00 P.M when the complainant was sleeping with her daughters the petitioners and others came at the door and asked her to open the door. When the door was opened the accused persons entered into the room in order to ravish her daughters, petitioner No. 2 pushed the daughter of the complainant Ruksana Khatoon on bed, tore her sameej and salwar. When the informant and her daughters raised alarm the accused persons escaped from the scene. Subsequently

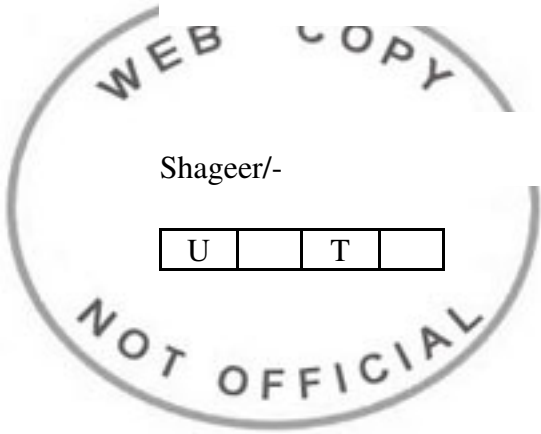
when the protest was raised the accused persons abused the informant and her daughters and co-accused Habib Mian took away cash of Rs. 35,000/- and co-accused Mainuddin Mian assaulted with fists and slaps and snatched ear-ring of the informant worth Rs. 25,000/-.

It is submitted by learned counsel for the petitioners that petitioners are agnates of the informant. On 01.09.2015 the brother of petitioner No. 1 filed a protest petition making accusation against the complainant's side leading to initiation of 107 Cr.P.C proceeding and thereafter the present complaint was filed on 02.05.2015. It is further submitted that complainant has subsequently retracted from the initial version and has filed a petition to that effect before learned Court below.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the filing of the complaint in the background of litigated relationship between the parties from before and the retracted version of the complainant, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj in connection with Complaint

Case No. 2644 of 2015, Trial No. 833 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)